

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES ERNEST DICKERSON,

Plaintiff,

v.

DAVID HAROLD BRUNEAU *et al.*,

Defendants.

Case No. C06-5475RBL

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITH PREJUDICE**. Plaintiff may not challenge the propriety of his criminal sentence in a Civil Rights action. Further, his assigned counsel does not act under color of state law for purposes of the Civil Rights Act. This action is frivolous.

The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold.

DATED this 1<sup>st</sup> day of May, 2007.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE